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From: Hagler, Tom
Sent: Thur 4/23/2015 6:11:00 PM
Subject: FW: EPA comments on the Administrative Draft BDCP RDEIR/SDEIS
RDEIR SDEIS EPA Comment Form final.doc

All – Here are EPA’s comments from yesterday, along with the “table” of more specific comments.

You already have the FWS comments. I have not yet seen any comments on this second batch of Admin Draft chapters from either the Corps or NMFS. I will bounce those on when they appear.

From: Skophammer, Stephanie
Sent: Wednesday, April 22, 2015 4:24 PM
To: Stine, Ann; Foresman, Erin; Simmons, Zachary M SPK; Mike Nepstad; Larry Rabin; Lori Rinek; Ryan Wulff; Michael. Tucker; Shelby Mendez; Dan Hytrek; Michelle Banonis; Theresa Olson
Subject: EPA comments on the Administrative Draft BDCP RDEIR/SDEIS

Ann-

EPA is providing comments on select Administrative Draft chapters of the Supplemental DEIS/Revised EIR. These include Sections 1-6 which were provided on April 3 and Appendices A, B, and D which were provided on April 8, with a deadline of April 22. Given the volume of materials (over 5500 pages), and the short response time, we are not able to provide a thorough review of all materials. We are, therefore, using this opportunity to flag a few big issues that we have identified. Also, please see our comments in the attached table format, as requested. Please note that our review of future sections may cause us to revisit comments that we are making today.

●■■■■■■■■ **Purpose and Need-** The Purpose and Need of the Project has changed from the one agreed upon by the federal agencies in 2010. That is understandable given the change in the project. We strongly encourage a re-write that will clearly describe the purpose and need of the new project to the public, and supports a reasonable range of alternatives of a new tunnel-only project.

• **Alternatives Analysis-** We have not been provided with an analysis of two non-HCP alternatives, Alternative 2D (5 intakes) and Alternative 5A (1 intake). Consistent with our DEIS comments, the operations for these alternatives should be optimized in the same way they were for Alternative 4. We have also been told that additional information is being prepared related to Alternative 8 per the State Board's recommendation. We think new information related to this alternative should be incorporated in the Supplemental DEIS since it is likely that the State Board will be using this EIS for the Change in Point of Diversion application.

• **Water Quality Issues-** Salinity intrusion predicted in the DEIS and the SDEIS under the Preferred Alternative continues to degrade water quality. Predicted increases in violations of water quality standards at the Emmaton compliance point appear to be successfully addressed by defining the Preferred Alternative to include compliance at Emmaton instead of at Threemile Slough with sensitivity modeling to support this conclusion. Predicted increases in violations of the salinity objective at the Prisoners Point compliance location persist. The Prisoners Point EC standard is intended to protect aquatic life, but it also provides protection for municipal, agricultural, and industrial beneficial uses. Modeling for the Preferred Alternative shows that the western Delta is becoming saltier relative to the NEPA baseline as a result of the operations in the Preferred Alternative. Increasing salinity will cause adverse effects on M&I beneficial uses through reduced opportunity for diversion of water with acceptable chloride levels (Section 4, p. 4-124). Committing to providing more freshwater flow (Appendix A, p. 8-26) for addressing the loss in freshwater supply to western Delta communities is an important step in addressing this issue.

• **Beneficial Use Protection-** Freshwater flow through the Delta proposed by the Preferred Alternative is unlikely to protect aquatic life beneficial uses, since Alternative 4A does not propose project operations that result in significantly more freshwater outflow through the Delta. The SDEIS' NEPA Effects determinations for aquatic species need to clearly explain what pieces of information and support were used to modify Effects Determinations that were formerly "not determined" and are now "not adverse." Many of these impact determinations hinge on the outcome of the Section 7 consultation process and real time operations, which are still in development, so we need to understand the primary reasons for the "not adverse" determinations and make them clear in the SDEIS.

We appreciate the opportunity to review Administrative Draft materials, and look forward to receiving additional sections as they are available. If you have any questions, please contact me at 415-972-3098 or Erin Foresman at 916-930-3722.

Stephanie Skophammer

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From: Stine, Ann [<mailto:astine@usbr.gov>]

Sent: Tuesday, April 14, 2015 2:09 PM

To: Skophammer, Stephanie; Foresman, Erin; Simmons, Zachary M SPK; Mike Nepstad; Larry Rabin; Lori Rinek; Ryan Wulff; Michael. Tucker; Shelby Mendez; Dan Hytrek; Michelle Banonis; Theresa Olson

Subject: Review Check-in: Administrative Draft BDCP RDEIR/SDEIS

All, as mentioned in the NEPA/CEQA meeting last Friday the due date for submitting comments to me has been extended from April 15 to COB April 22 (a week from tomorrow). I wanted to get a sense of how your review is going and also to request, if possible, that you send along portions of the review as you complete them. If you could do this it would help greatly at this end as we need to review and consolidate all of your comments. We are still planning to assess the progress and reevaluate the schedule if necessary.

Also ICF sent me an updated version of Appendix B. Supplemental Modeling for Alternative 4a as there were some errors noted in the last version (in Section B.7 those related to mean monthly flows in upstream locations) . So I am attaching that to this email as well. Thanks and please let me know if you have any questions. Ann

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